

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Granite Rock Co.,

NO. C 04-02767 JW

Plaintiff,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SCHEDULING MOTIONS HEARING**

v.

Teamsters Local 287, et al.,

Defendants.

This case is scheduled for a Case Management Conference on September 12, 2011. Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, the parties duly conferred and submitted a Joint Case Management Statement. (See Docket Item No. 424.) In the Statement Defendant International states that it will file a Motion by the end of October asking the Court to find that Plaintiff abandoned any and all contractual claims that it could have pleaded against Defendant International and thus nothing remains before this Court to litigate. Id. Accordingly, Defendant International asks that no further action be taken with regards to this case until the Court rules on the anticipated Motion. Defendant Teamsters Local 287 states that it intends to file a petition for certiorari to the United States Supreme Court seeking review of the Ninth Circuit's ruling in this case and asks that the Court takes no further action until the Supreme Court addresses the petition. Id.

Upon review, the Court finds that a hearing should be set to consider the Motion by Defendant International. Further, the Court finds that it is not necessary to stay this action pending the result of the anticipated petition for certiorari; any party can move for a stay in the event that

certiorari is granted. Accordingly, the Court VACATES the September 12 Case Management Conference. The Court sets **December 12, 2011 at 9 a.m.** as a hearing date for Defendant International's anticipated Motion to Dismiss. Defendant International shall notice and brief its Motion in accordance with the Civil Local Rules of the Court.

Dated: September 7, 2011



JAMES WARE
United States District Chief Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Adam James Peters apeters@littler.com

Alan Sam Levins alevins@littler.com

Duane B. Beeson dbeeson@beesontayer.com

Kimberly Lynn Owens kowens@winlaw.com

Lisa Win-Ning Pau lpau@beesontayer.com

Peder J. Thoreen pthoreen@altshulerberzon.com

Peter David Nussbaum pnussbaum@altshulerberzon.com

Rebekah B. Evenson revenson@altshulerberzon.com

Robert Bonsall rbonsall@beesontayer.com

Shannon Marie Gibson sgibson@littler.com

Dated: September 7, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers

Susan Imbriani

Courtroom Deputy